

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

CLARE AGUE,

Claimant,

v.

IDAHO HOUSING & FINANCE
ASSOCIATION,

Employer,

and

STATE INSURANCE FUND,

Surety,
Defendants.

IC NO. 04-510461

ORDER

Filed: September 29, 2005

Pursuant to Idaho Code § 72-717, Referee Rinda Just submitted the record in the above-entitled matter, together with her proposed findings of fact and conclusions of law, to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendation of the Referee. The Commission concurs with this recommendation. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant has failed to carry her burden of proving that the condition for which she seeks benefits was caused by the May 11, 2004 accident.
2. Having failed to establish a causal connection between her medical condition and the May 11, 2004 accident, the issue of Claimant's entitlement to further medical care is moot.

3. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all matters adjudicated.

DATED this 29 day of September, 2005.

INDUSTRIAL COMMISSION

Unavailable for signature
Thomas E. Limbaugh, Chairman

/s/_____
James F. Kile, Commissioner

/s/_____
R.D. Maynard, Commissioner

ATTEST:

/s/_____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 29 day of September, 2005, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following persons:

MICHAEL KESSINGER
WHITEHEAD, AMBERSON & CALDWELL
PO BOX 607
LEWISTON ID 83501

GARDNER W SKINNER JR
PO BOX 359
BOISE ID 83701-0359

djb

/s/_____